

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, Individually,

Plaintiff,

Case Number:04-12299 MLW

v.

NEWPORT HOTEL GROUP, LLC, and
JON E COHEN, DOUGLAS D. COHEN
and RENEE COHEN, as Trustees of
Hyannis Harborview Resort
Condominium Trust

Defendants.

[PROPOSED] JOINT SCHEDULING STATEMENT
PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), the parties submit the following joint statement in connection with the Scheduling Conference not yet scheduled.

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:

- a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
- b. Anticipated dispositive and pre-trial motions;
- c. Alternative Dispute Resolution; and
- d. Settlement.

2. **Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

3. **Schedule for Discovery.** The parties have agreed on the following discovery schedule:

DEADLINE OR EVENT	AGREED DATE
Fed. R. Civ. P. 26(a)(1)(C)-(D) disclosures	March 15, 2005
Fed. R. Civ. P. 26(a)(1)(A)-(B) disclosures	March 15, 2005 with supplements taken as necessary
Plaintiffs' Expert Reports (Fed. R. Civ. P. 26(a)2)	June 10, 2005
Defendant's Expert Reports (Fed. R. Civ. P. 26(a)2)	July 15, 2005
Close of Discovery (Except Expert Discovery)	September 1, 2005
Close of Expert Discovery	October 15, 2005
Summary Judgment Motions	September 15, 2005
Motion to Add Parties or to Amend Pleadings	May 1, 2005
All other Motions, excluding Motions In Limine	October 15, 2005
Final Pretrial Conference	Subject to the Courts discretion & calendar
Trial	Subject to the Courts discretion & calendar
Estimated Length of Trial [trial days]	1 day

4. **Discovery Limits.** The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. **Settlement.** The parties are hopeful that a settlement can be achieved, and do not at this time request a settlement conference before a Magistrate Judge.

6. **Trial by Magistrate Judge.** At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. **Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and

the use of Alternative Dispute Resolution. The parties are willing to participate in mediation in an attempt to resolve this matter and have agreed on, or will attempt to agree upon, a mutually acceptable mediator. The parties will file their certifications required pursuant to Local Rule 16.1(D)(3) under separate covers.

8. **Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Date: January 18, 2005

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